

**REMARKS****INTRODUCTION**

In accordance with the foregoing, claim 1 has been amended. No new matter has been submitted.

Claims 1-7 are pending and under consideration.

**REJECTION UNDER 35 USC 103**

Claims 1-7 stand rejected under 35 USC § 103 as being obvious over Satoh et al., U.S. Patent No. 5,038,659, in view of Tanimoto, U.S. Patent No. 4,450,743. This rejection is respectfully traversed.

The Outstanding Office Action sets forth, on page 4, a response to applicant's previous remarks against the outstanding combination. The Office Action indicates that applicant has only set forth the argument that a prima facie obviousness case has not been presented, and counters by explaining what Satoh et al. is being interpreted to disclose and what Tanimoto teaches. Specifically, the Office Action repeats that Satoh et al. is being interpreted as disclosing "the claimed invention except showing the note codes in a table form." The Office Action further details that "Tanimoto provides the deficiency, which is an obvious modification, based on the teaching of Satoh et al. which show the conversion of input data to note data."

In a previous response, filed December 13, 2001, applicant explained in detail what both Satoh et al. and Tanimoto disclose, and what features both references failed to disclose, and pointed out that there was no suggestion for the purported combination of references. In response to this response, the corresponding rejections would appear to have been reasserted repeatedly based on the conclusion that, once combined, the two references disclose the presently claimed invention, and that it would have been obvious to incorporate a table feature from Tanimoto into Satoh et al. since Satoh et al. suggested the same. Applicants repeatedly thereafter pointed out that the underlying obviousness rationale is improper. The underlying obviousness is being based on the opinion of the Examiner and fails to be based on any suggestion or motivation from any cited or evidenced source.

The Office Action repeatedly details what features Satoh et al. is being interpreted as not disclosing, and what features of Tanimoto are being modified into Satoh et al., and thereafter states "[i]n combination, the reference provides the teaching as claimed by the applicant...While Satoh et al. shows the correspondence or result of the input data in relation to notes, it is obvious that the same could be shown in a table to show the same relationship." "The argument

of there being no prima facie obviousness case is not disregarded but explained in the office action. The references are combined to show that at the time of the invention was made that it would have been obvious to combine the references."

The Office Action appears to be making the argument that once the two references are combined, the obviousness of that combination is then disclosed. However this is improper. Before any modification of any reference, there must be some need, desire, suggestion, or motivation for that modification. There must be some reason for modifying Satoh et al., other than to disclose the presently claimed invention. The fact that Tanimoto may disclose note code tables is not relevant unless there is some concrete evidence in the record that one skilled in the art would have been motivated to modify that feature into Satoh et al.

The Office Action indicates that because Satoh et al. broadly provides a correlation of input data with output data, then it would have been obvious to perform that correlation with a table. Then, after that obviousness conclusion, the Office Action relies on Tanimoto to provide that table. Thus, the Office Action would appear to be missing the required link between Satoh et al. and Tanimoto, i.e., the evidenced motivation to perform the correlation in Satoh et al. with a table. Thereafter, the Office Action further needs evidence that the table of Tanimoto would be desirable/needed/suggested to meet the table modified into Satoh et al.

It is noted that these comments regarding the lack of a prima facie obviousness case have been presented because it appears the underlying invention has been misunderstood and because the obviousness conclusion would appear to have been broadly applied regardless of any potential amendments to the claims. The Office Action would appear to be rejecting the claims based on repeated conclusion that a combination is obvious, then making the combination, and then relying on the combination to support the obviousness of the same.

Thus, it is respectfully submitted that a prima facie obviousness case still has not been presented.

In addition, it is respectfully submitted that the Office Action appears to misrepresent the "teachings" of the presently claimed invention. The presently claimed invention would appear to be misunderstood.

For example, in rejecting independent claim 6, the Office Action would appear to disregard the claimed "a note code table to correlate non-music staff character or symbol data input into the data processor with scales of music staff notation."

First, the Office Action relies on the keyboard 2 of Satoh et al. to disclose the claimed computer keyboard of claim 1. The Office Action then states: "Satoh et al., also disclose that the note code tables or data correspond with non-music staff character or symbol data," and

references the disclosure of Satoh et al. related to keyboard 2.

The Office Action thereafter appears to take the input of words from keyboard 2, of Satoh et al., and infer that such words are incorporated into any input conversion of Satoh et al. into note data. However, the inputting of words in keyboard 2 has no correlation to any musical keyboard input conversion to note data. The two are distinct.

Again, it is noted that Satoh et al. sets forth a musical score forming apparatus having a piano keyboard for entering notes and a function keyboard for entering words or numbers. The words are positioned above each line of the score to correspond to the applicable note combinations, and the numbers are utilized to determine a note's duration. Based on a note entered in the piano keyboard, and it's duration entered on the function keyboard, a corresponding note is placed on a staff in a musical score. See col. 5, line 37, through col. 6, line 24.

Thus, the placement of a note on a staff in a musical score, in Satoh et al., is only based on input musical data, i.e., notes entered from the piano keyboard or note duration entered from the function keyboard.

Also, as previously noted and regarding the entering of information in function keyboard 2, Satoh et al. also allows a user to enter word data, which is placed above a corresponding note in a staff, with a CPU receiving the inputted word and determining its proper placement. See col. 9, lines 8-25, and col. 10, line 27, through col. 11, line 36. As illustrated in FIG. 17, characters of the entered words, which may be entered as Roman characters, can be easily converted to Japanese characters. Though this is not musical data, it also is not being converted into note data, as relied upon in the Office Action to disclose the claimed note code table "to correspond the inputted character or symbol data into said data processor with scales of music staff notation," recited in independent claim 1, or "note code table to correlate non-music staff character or symbol data input into the data processor with scales of music staff notation," as recited in independent claim 6.

Thus, it appears that the Office Action has misinterpreted operation of Satoh et al.

Satoh et al. does not use any tables for note determination. It is noted that the outstanding Office Action points to Satoh et al. in col. 9, lines 9-25, to illustrate the inherency of the note code tables in Satoh et al.

Conversely, as noted above, the corresponding portion of Satoh et al. is unrelated to a note determination. The table referenced in col. 9 of Satoh et al. corresponds to a Roman character to Japanese character conversion for words entered. However, the words entered in Satoh et al. are unrelated to the note determination, these words are merely to be displayed

above a staff, i.e., they are lyrics of a corresponding song.

The fact that Satoh et al. does not disclose tables being used for the proffered note determination further evidences that Satoh et al. does not provide the concrete evidence of motivation/suggestion for modifying Satoh et al. to utilize a table for such a note determination. This section of Satoh et al. pertains to the use of tables for the non-musical input data, unrelated to the musical data entered and used to generate note data. Thus, the use of tables in this section cannot be the "inherent" support for the use of tables in the note determination portion of Satoh et al.

Regardless, the non-musical data input in Satoh et al. is not converted into note data, and therefore is unrelated to the disclosure in Satoh et al. regarding the conversion of input musical data into note data. Conversely, if the words input in Satoh et al. are interpreted as being related to the corresponding converted note data, then those input words would then actually be musical data, in which case the same still would not disclose the presently claimed invention since the claims particularly claim that the input data is not musical data.

The present invention is fundamentally different from Satoh et al. and Tanimoto, in that the present invention is directed toward converting non-musical input data into musical data, e.g., words can be input and could be converted into staff notation musical data. A paragraph could be converted into music, and potentially at a later date the music could be converted back into the paragraph. To further this understanding, independent claim 1 has been amended to particularly point out that the input data is non-musical data. Independent claim 6 already included such a feature, with differing scope and breadth.

Thus, it is respectfully submitted that the Office Action has failed to disclose a prima facie obviousness case. The underlying references fail to disclose all the claimed features, alone or in combination, and the underlying rationale for combining the references fails to be supported by concrete evidenced motivation.

Therefore, for at least the above, it is respectfully requested that this rejection be withdrawn and the pending claims allowed.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

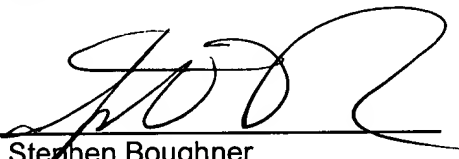
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: August 5, 2004

By:   
Stephen Boughner  
Registration No. 45,317

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501